

with respect to the apportionment of funds to Hawaii and Alaska.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. I might state that there are no departmental reports accompanying this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ADJUSTMENT OF LAND TITLES

The Clerk called the bill (H. R. 3981) to amend the act of July 8, 1943 (57 Stat. 388), entitled "An act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved July 8, 1943 (57 Stat. 388), is hereby amended by striking out the words "within 10 years" and inserting in lieu thereof "within 20 years."

With the following committee amendment:

Page 1, line 5, insert "and inserting in lieu thereof 'within 20 years.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 606 (C) OF COMMUNICATIONS ACT OF 1934 (ELECTROMAGNETIC RADIATIONS)

The Clerk called the bill (S. 537) to further amend the Communications Act of 1934.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I wonder if some member of the committee could tell us the implications of this bill and what it is proposed to do and what it does?

Mr. BECKWORTH. Mr. Speaker, this bill was reported favorably by our committee. It is an important bill to the defense of the country. I feel that we should try to call it to the attention of the House and that we should act on it now.

The reason for the bill arises out of the fact that there are certain types of equipment that emit electric signals other than what might be termed radio signals; in other words, the committee was told that around certain types of installations such as perhaps is found in hospitals there might be instruments that could emit electromagnetic radiations. Since that is true, and since that type of installation could emit a signal for a distance greater than 5 miles, according to our bill, and since it would have to, by the terms of the bill, be useful for navigational purposes before it would come within the scope of this legislation, it is felt that the President should have the power to step in at any moment if necessary to close down that kind of thing in order that in case of a very

quick, rapid attack we could protect our country.

The bill has passed the Senate; it has been endorsed by the Federal Communications Commission, by the Office of Civil Defense, and by the Air Corps. After considerable consideration in our committee where we did make some modifications, we voted it out unanimously.

Mr. BYRNES of Wisconsin. In other words, the purpose of this bill is to make the Communications Act of 1934 conform with the real intent of Congress at the time of passing it as far as radio communication facilities are concerned; is that correct?

Mr. BECKWORTH. That is right, and it is completely protective in nature.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 606 (c) of the Communications Act of 1934, as amended, is amended to read as follows:

"(c) Upon proclamation by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President, if he deems it necessary in the interest of national security or defense, may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication, or any device capable of emitting electromagnetic radiations between 10 kilocycles and 100,000 megacycles, which is suitable for use as a navigational aid beyond 5 miles, and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station or device and/or its apparatus and equipment, by any department of the Government under such regulations as he may prescribe upon just compensation to the owners."

Sec. 2. Section 606 of such act is further amended by adding at the end thereof a new subsection as follows:

"(h) Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing prohibited or declared to be unlawful pursuant to the exercise of the President's powers and authority under this section, or who willfully and knowingly omits or fails to do any act, matter, or thing which he is required to do pursuant to exercise of the President's powers and authority under this section, or who willfully and knowingly causes or suffers such omission or failure shall, upon conviction thereof, be punished for such offense by a fine of not more than \$1,000 or by imprisonment for a term of not more than 1 year, or both, and, if a firm, partnership, association, or corporation, be fined not more than \$5,000."

With the following committee amendments:

Page 2, line 12, after the period and before the quotation marks, insert the following sentence: "The authority granted to the President, under this subsection, to cause the closing of any station or device and the removal therefrom of its apparatus and equipment, or to authorize the use or control of any station or device and/or its apparatus and equipment, may be exercised in the Canal Zone."

Page 2, strike out line 15 and all that follows through line 4, on page 3, and insert in lieu thereof the following:

"(h) Any person who willfully does or causes or suffers to be done any act prohibited pursuant to the exercise of the President's authority under this section, or who willfully fails to do any act which he is required to do pursuant to the exercise of the President's authority under this section, or who willfully causes or suffers such failure, shall, upon conviction thereof, be punished for such offense by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both, and, if a firm, partnership, association, or corporation, by fine of not more than \$5,000, except that any person who commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than 20 years, or both."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VERMEJO RECLAMATION PROJECT

The Clerk called the bill (H. R. 2398) to amend Public Law 848, Eighty-first Congress, second session.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act of September 27, 1950, Public Law 848, Eighty-first Congress, is amended to read as follows:

"Sec. 3. Construction of the Vermejo reclamation project shall not be commenced until the President shall have approved a project report and there shall have been established, pursuant to the laws of the State of New Mexico, an organization with powers satisfactory to the Secretary, including the power to tax real property within its boundaries (which boundaries shall include the lands to be benefited by the project works) and the power to enter into a contract or contracts with the United States for payment or return, as the case may be, of the reimbursable costs of the project and such contract or contracts shall have been duly executed."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WITHHOLDING OF CERTAIN PATENTS

The Clerk called the bill (H. R. 4687) to provide for the withholding of certain patents that might be detrimental to the national security, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever publication or disclosure by the grant of a patent on an invention in which the Government has a property interest might, in the opinion of the head of the interested Government agency, be detrimental to the national security, the Secretary of Commerce upon being so notified shall order that such invention be kept secret and shall withhold the grant of a patent therefor under the conditions set forth hereinafter.

Whenever the publication or disclosure of an invention by the granting of a patent, within categories prescribed by the President and in which the Government does not have a property interest, might, in the opinion of the Secretary of Commerce, be detrimental to the national security, he shall make the application for patent in which

such invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States; and each individual to whom the application is disclosed shall sign a dated acknowledgment thereof, which acknowledgment shall be entered in the file of the application. If, in the opinion of the Atomic Energy Commission, the Secretary of Defense, or the chief officer of such other department or agency so designated, the publication or disclosure of such invention by the granting of a patent therefor would be detrimental to the national security, the Atomic Energy Commission, the Secretary of Defense, or such other chief officer shall notify the Secretary of Commerce to that effect, and the Secretary of Commerce, upon being so notified, shall order that such invention be kept secret and shall withhold the grant of a patent therefor for such period or periods as the national interest requires and upon proper showing by the head of any department or agency, who caused such secrecy order to be issued, that the examination of the application might jeopardize the national interest, then the Secretary of Commerce shall immediately seal such application. The owner of a patent application which has been placed under a secrecy order shall have a right to appeal from such order to such agency and under such rules as may be prescribed by the President. No invention shall be ordered kept secret and the grant of a patent withheld for a period of more than 1 year: *Provided*, That the Secretary of Commerce shall renew any such order at the end thereof, or at the end of any renewal period, for additional periods of 1 year upon notification by the head of the department or the chief officer of the agency who caused the order to be issued that an affirmative determination has been made that the national interest continues so to require, excepting, however, that any such order in effect, or issued, during a time when the United States is at war, shall be and remain in effect for the duration of hostilities and a period of 1 year following cessation of hostilities unless sooner specifically rescinded. The Secretary of Commerce is authorized to rescind any order upon notification by the heads of all departments and the chief officers of all agencies who caused the order to be issued that the publication or disclosure of the invention is no longer deemed to be detrimental to the national security.

Sec. 2. The invention disclosed in an application for patent subject to an order made pursuant to section 1 hereof may be held abandoned upon its being established before or by the Secretary of Commerce that in violation of said order said invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor, his successors, assigns, or legal representatives, or any one in privity with him or them, without the consent or approval of the Secretary of Commerce, and any such abandonment shall be held to have occurred as of the time of such violation: *Provided*, That in no case shall the consent or approval of the Secretary of Commerce be given without the concurrence of the heads of all departments and the chief officers of all agencies who caused the order to be issued. Any such holding of abandonment shall constitute forfeiture by the applicant, his successors, assigns, or legal representatives, or anyone in privity with him or them, of all claims against the United States based upon such invention.

Sec. 3. Any applicant, his successors, assigns, or legal representatives, whose patent is withheld as herein provided, shall, if the order of the Secretary of Commerce above referred to shall have been faithfully obeyed,

have the right, during a period beginning at the date the applicant is notified that, except for such order, his application is otherwise in condition for allowance, or beginning at the effective date of this act, whichever is later, and ending 2 years after the date a patent is issued on such application, to apply for compensation for the damage accruing by reason of the order of secrecy and/or for the use, if any, of the invention by the Government, if the Government's use resulted from the applicant's disclosure; such right to compensation for use to begin from the date of the first use of the invention by the Government. The head of any department or agency who caused the order to be issued is authorized, if any such claim is presented within the periods above specified, to enter into an agreement with said applicant, his successors, assigns, or legal representatives, in full settlement and compromise for such damage and/or use, if any, and any such settlement agreement entered into shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. If full compromise and settlement of any such claim cannot be effected, the head of any department or agency who caused the order to be issued, may, in his discretion, administratively award and pay to such applicant, his successors, assigns, or legal representatives, a sum not exceeding 75 percent of the maximum sum, if any, which in the opinion of the head of such department or agency would constitute fair and just compensation for such damage and/or use, if any. Within 2 years after issuance of a patent, any claimant who fails to secure an award satisfactory to him shall have the right to bring suit against the United States in the Court of Claims for such amount which, when added to such award, if any, shall constitute fair and just compensation for the damage and/or use, if any, of the invention by the Government. The owner of any patent issued upon an application that was subject to a secrecy order issued pursuant to section 1 hereof, and who faithfully obeyed the order, who did not apply for compensation as above provided, shall have the right, within 2 years after the date of issuance of such patent, to bring suit in the Court of Claims for fair and just compensation for the damage accruing to him by reason of the order of secrecy and/or use by the Government of the patented invention, such right to compensation for use, provided such use resulted from the applicant's disclosure, to begin at the first date of such use. If any suit under the provisions of this section, and in any negotiations concerning settlement and compromise of any such claim, the United States may avail itself of any and all defenses that may be pleaded by it in an action under title 28, United States Code, section 1498, as amended. This section shall not confer a right of action on anyone or his successor or assignee who, when he makes such a claim, is in the employment or service of the United States, or who, while in the employment or service of the United States, discovered, invented, or developed the invention on which such claim is based.

Sec. 4. No person shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States prior to 90 days after filing in the United States an application covering such invention except when authorized in each case by a license obtained from the Secretary of Commerce under such rules and regulations as he shall prescribe: *Provided*, That no such license shall be granted with respect to any invention which is the subject matter of a subsisting order issued by the Secretary of Commerce pursuant to section 1 hereof without the concurrence of the heads of all departments or the chief officers of all agencies who caused the order to be issued.

Such license may be granted retroactively in case of inadvertence except in the case of inventions falling within the categories of invention prescribed under section 1 hereof.

The term "application" when used in this act include applications and any modifications, amendments, or supplements thereto, or divisions thereof.

Sec. 5. Notwithstanding the provisions of sections 4886 and 4887 of the Revised Statutes (35 U. S. C., secs. 31 and 32), any person, and the successors, assigns, or legal representatives of any such persons, shall be debarred from receiving a United States patent for an invention if such person, or such successors, assigns, or legal representatives shall, without procuring the authorization prescribed in section 4 hereof, have made, or consented to or assisted another's making, application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of such invention where authorization for such application is required by the provisions of section 4 hereof, and any such United States patent actually issued to any such person, his successors, assigns, or legal representatives so debarred or becoming debarred shall be invalid.

Sec. 6. Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 1 hereof, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed such invention, or any material information with respect thereto, or whoever, in violation of the provisions of section 4 hereof, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than 2 years, or both.

Sec. 7. The prohibitions and penalties of this act shall not apply to any officer or agent of the United States acting within the scope of his authority, nor to any person acting upon the written instructions of, or in reliance on the written permission or advice of, any such officers or agent.

Sec. 8. The Atomic Energy Commission, the Secretary of Defense, the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States, and the Secretary of Commerce, may separately issue such rules and regulations as may be necessary and proper to enable the respective department or agency to carry out the provisions of this act, and in addition are authorized, under such rules and regulations as each may prescribe, to delegate and provide for the redelegation within their respective departments or agencies of any power or authority conferred by this act to such responsible officers, boards, agents, or persons as each may designate or appoint.

Sec. 9. If any provision of this act or of any section hereof or the application of such provision to any person or circumstance shall be held invalid, the remainder of the act and of such section and application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 10. The acts of Congress approved October 6, 1917 (ch. 95, 40 Stat. 394); July 1, 1940 (ch. 501, 54 Stat. 710); August 21, 1941 (ch. 393, 55 Stat. 657); and June 16, 1942 (ch. 415; 56 Stat. 370) (U. S. C., title 35, secs. 42 and 42a to 42f) are repealed, but such repeal shall not affect any rights or liabilities existing on the date of this act. Any order of secrecy heretofore issued under said repealed acts, and subsisting on the date of the approval of this act, shall be considered as an order issued pursuant to this act and